

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

**Request for Modifying the Conditions or Term of Supervision with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Jason Rafael Lopez

Case Number: 1:18CR00100-01

Name of Sentencing Judicial Officer: The Honorable Janet T. Neff
U.S. District Judge

Date of Original Sentence: December 13, 2018

Original Offense: Count 1: Conspiracy to Distribute 500 Grams or More of Cocaine;
21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(B)(ii).

Original Sentence: 30 months imprisonment and 2 years supervised release. Special Conditions: (1) financial disclosure; (2) substance abuse testing/treatment; (3) no alcohol or bars; (4) must not use or possess any controlled substances without a valid prescription; (5) community service if unemployed for 60 days or more; (6) employment must be pre-approved by probation officer. Special Assessment, \$100.00 (paid).

Type of Supervision: Supervised Release

Date Supervision Commenced: April 6, 2021
Expiration Date: April 5, 2023

PETITIONING THE COURT

To modify the conditions of supervised release by adding Special Conditions 7 and 8:

7. You must serve Seven (7) consecutive days of confinement at the Newaygo County Jail, White Cloud, Michigan, as arranged by the Bureau of Prisons. You must self-surrender for service of sentence at the Newaygo County Jail by 7:00 p.m. on the day of surrender as designated by the Bureau of Prisons. Service of confinement will commence as directed by the Bureau of Prisons and the probation officer.
8. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

CAUSE

On July 15, 2021, a report was filed with the Court advising Mr. Lopez submitted to urinalysis testing on June 24, 2021, which revealed a positive result for marijuana. Mr. Lopez admitted to inadvertently using marijuana before his urinalysis test on June 24, 2021. Your Honor agreed to no formal Court action after Mr. Lopez was admonished for his actions and referred for a substance abuse assessment.

Since June 24, 2021, Mr. Lopez has submitted to four additional urinalysis tests, the most recent being August 23, 2021, all of which have been confirmed positive for marijuana. It is noted a September 9, 2021, urinalysis test tested presumptive positive for marijuana and the probation officer is awaiting confirmation.

On September 13, 2021, the undersigned officer received an interpretation letter from Pat Pizzo, the Director of Toxicology for Alere Toxicology Services, Gretna, Louisiana. The interpretation request provided urinalysis samples from Mr. Lopez for the following dates: June 24, 2021, July 13, 2021, July 22, 2021, and August 11, 2021. According to the interpretation letter, Ms. Pizzo concluded that Mr. Lopez reused marijuana prior to urinalysis tests on July 13, July 22, and August 11, 2021. The conclusion was based on the length of time Mr. Lopez continued to test positive, the lack of sufficient decrease in the normalized level of marijuana present in the specimens and the urine half-life of marijuana.

On September 20, 2021, the undersigned officer spoke with Mr. Lopez via telephone and confronted him about his ongoing positive drug tests. Mr. Lopez adamantly denied any new use of marijuana after June 24, 2021. Mr. Lopez was provided with the above information regarding interpretation of his urinalysis tests, and he continued to deny any new use of marijuana after June 24, 2021. However, Mr. Lopez agreed to a proposed modification to his conditions of supervised release by adding conditions for seven (7) days of intermittent confinement and a search and seizure condition.

The recommended modifications serve as just punishment for Mr. Lopez's continued marijuana use, apparent untruthful information regarding his drug use, and to allow the probation office to intervene more intensively should Mr. Lopez be suspected of continued drug use.

Previous Violations

- **July 15, 2021:** Report on Offender: Mr. Lopez admitted to possessing and using marijuana. Mr. Lopez was referred for a substance abuse assessment and received a verbal admonishment. Your Honor agreed with the recommendation for no Court action.

U.S. Probation Officer Action:

The offender agreed to the proposed modification and executed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release, which is attached for the Court's review.

Approved,

by /s/ Scott M. Lopofsky
Scott M. Lopofsky
Supervisory U.S. Probation Officer
Date: September 23, 2021

Respectfully submitted,

by /s/ Zach Jabour
Zach Jabour
U.S. Probation Officer
Date: September 23, 2021

THE COURT ORDERS:

- ☐ No Action
☒ The Modification of Conditions as Noted Above
☐ Other

/s/ Janet T. Neff

The Honorable Janet T. Neff
U.S. District Judge

September 24, 2021

Date


PROB 49
(3/89)

United States District Court

Western District of Michigan

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

Jason Lopez


I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel ^{DS}  ne at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

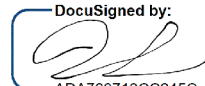
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervision type or to the proposed extension of my term of supervision:

To modify the conditions of supervised release by adding Special Condition Numbers 7 and 8:

7. You must serve Seven (7) consecutive days of confinement at the Newaygo County Jail, White Cloud, Michigan, as arranged by the Bureau of Prisons. You must self-surrender for service of sentence at the Newaygo County Jail by 7:00 p.m. on the day of surrender as designated by the Bureau of Prisons. Service of confinement will commence as directed by the Bureau of Prisons and the probation officer.
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Witness 
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Zach Jabour-U.S. Probation Officer

Signed 
ADA760713CC245C...
Jason Lopez

9/20/2021

(Date)